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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,772	03/01/2002	Ivy Whitsey-Anderson	LAA142	2055

7590

07/08/2004

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EXAMINER

DOAN, PHUOC HUU

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 07/08/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,772

Applicant(s)

WHITSEY-ANDERSON, IVY

Examiner

Phuoc H Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-2 are reject under 35 U.S.C. 103(a) as being unpatentable over Yang (Yang, Jae-Kuk; US Patent No.: 6,459,906) in view of Robb (Robb, Garry Douglas, US Paten No.: 6,177,950).

As to claim 1, yang teaches a portable television/cellular phone device (Fig 1, column 3, line 5 and line 9) comprising: a handheld housing having front, back, top, and side walls (column 3, lines 1-12); a display screen (Fig. 1, item 40) being disposed upon

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said front wall of said handheld housing (column 4, lines 32-35); a phone reception/transmission (Fig. 1, items 12,16) assembly being disposed in said handheld housing and including a power supply being replaceably disposed in said handheld housing and also including an antenna (Fig. 1, item 12) being attached to said handheld housing (column 4, lines 42-48); and a television reception (Fig. 1, item 18) assembly being disposed in said handheld housing (column 3, lines 9-13). However, Yang does not teach a housing support member being hingedly attached to said handheld housing for standing up said handheld housing upon a surface.

Robb teaches a housing support member being hingedly attached to said handheld housing (Fig. 2D, items 32,33) for standing up said handheld housing upon a surface (column 7, lines 3-11).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Yang 's television/cellular phone device with Robb's handheld housing support member of hinged in order to provide a portable device for standing up.

As to claim 2, Yang in view of Robb teaches all the limitations of claim 1. Robb further teaches wherein said housing support member is generally a lever being hingedly (Fig. 2D, item 32, 33) attached to said back wall of said handheld housing (column 7, lines 3-11).

Claim 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang in view of Robb as applied to claim 1 above, and further in view of Fiero (Riero, Richard A; US Paten No.: 6,373,501).

As to claim 3, Yang in view of Robb teaches all the limitations of claim 1. Yang in view of Robb does not teach wherein said phone reception/transmission assembly further includes a numbers/symbols keypad being disposed upon said front wall of said handheld housing and including a plurality of button-like switches used to dial a phone number.

Fiero teaches wherein said phone reception/ transmission assembly further includes a numbers/symbols keypad 106 (Fig. 1A) being disposed upon said front wall of said handheld housing and including a plurality of button-like switches used to dial a phone number (col. 5, lines 11-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use numbers/symbols keypad as taught by Fiero to modify the device of Yang in order to provide hand-held devices which are optimized for communications information input and for one-handed operation. See (col. 1, lines 44-50).

As to claim 4, the combination of Yang, Robb, and Fiero further teaches wherein said phone reception/transmission assembly also includes a power switch (column 8, lines 9-11 of Robb) being movably disposed through one of said walls of said handheld housing (Fig. 1B, item 16, column 6, lines 17-19 of Robb) and being connected to said power supply (column 6, lines 20-22 of Robb) which is a battery pack, and further includes a microprocessor (Fig. 1, item 30, column 3, lines 2-3 of Yang) being disposed in said handheld housing and being connected to said numbers/symbols keypad (Fig. 1D, item 106, column 5, line 11 of Fiero) and to said power switch and to said power supply (column 8, lines 9-12 of Robb) and to said display screen upon which data is

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displayed (Fig. 1, item 40, column 5, lines 60-61 of Yang), and also includes a receiver including a speaker (column 4, lines 30-31 of Yang) being disposed in said handheld housing for receiving radio waves through said antenna (Fig. 1, item 12, column 4, lines 42-44 of Yang), and further includes a transmitter being disposed in said handheld housing for transmitting radio waves through said antenna (Fig. 1, items 12, 16, column 4, lines 46-50 of Yang), and also includes indicator lights being disposed upon said display screen (column 4, lines 10-14 of Yang) and upon said handheld housing for indication power level for said battery pack (column 6, lines 35-39 of Robb) and also displaying incoming calls (column 3, lines 19-21, and col. 4, lines 10-11 of Yang).

As to claim 5, the combination of Yang, Robb, and Fiero teaches all the limitations of claim 4. Yang further teaches wherein said phone reception/transmission assembly (Fig. 1, items 12, 16, column 4, lines 42-48 of Yang) also includes function switches being disposed upon said handheld housing and being connected to said microprocessor (Fig. 1, item 30; MRFU "Mobile Radio Frequency Unit " of Yang) for selecting various telephone functions programmed in said microprocessor such as caller ID ("incoming alarm indicates an incoming text message", column 4, lines 10-14 of Yang), and further includes a phone connect switch being disposed upon said handheld housing and being connected to said receiver and said transmitter for receiving and transmitting phone calls (column 3, lines 15-17 of Yang), and also includes a phone disconnect switch (column 3, lines 18-19 of Yang) being connected to said receiver and said transmitter for disconnection phone calls. See (column 3, lines 14-21 of Yang).

As to claim 6, the combination of Yang, Robb, and Fiero teaches all the limitations of claim 5. Yang further teaches wherein said television reception assembly includes a conventional TV receiver being disposed in said handheld housing for receiving television signals through said antenna (column 3, lines 22-23 of Yang) with the television signals being conventionally transformed into pictures which are displayed upon said display screen (column 4, lines 32-35 of Yang).

As to claim 7, the combination of Yang, Robb, and Fiero teaches all the limitation of claim 6. Yang further teaches wherein said television reception assembly also includes television operation and control switches such as a TV connect switch (column 4, lines 36-38 of Yang), a channel selector switch and a volume control switch (column 29-31 of Yang) being disposed upon said handheld housing and being connected to said TV receiver and to said display screen (Fig. 1, item 40, column 5, lines 60-61 of Yang).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang in view of Robb, and Fiero as applied to claim 7 above, and further in view of Broberg (Broberg, David k; US Patent No.: 6,529,680).

As to claim 8, the combination of Yang, Robb, and Fiero teach all the limitations of claim 7. However, the combination of Yang does not teach wherein said television reception assembly further includes a VCR jack being disposed through one of said walls of said handheld housing and being connected to said microprocessor for

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receiving input from a remote video recorder device, and also includes a CD player jack also being disposed through one of said walls of said handheld housing and being connected to said microprocessor for receiving input from a remote CD player device. Broberg teaches wherein said television reception assembly further includes a VCR jack (Fig. 1, items 26b, and 26c, column 3, lines 27-28) being disposed through one of said walls of said handheld housing and being connected to said microprocessor (Fig. 1, item 34, column 4, lines 2-3) for receiving input from a remote video recorder device, and also includes a CD player jack also being disposed through one of said walls of said handheld housing and being connected to said microprocessor (Fig. 1, item 34, column 4, lines 2-3) for receiving input from a remote CD player device (Fig. 1, item 26b, column 3, lines 27-28, and lines 43-45; "display device 28 is capable of receiving line level audio signals: stereo or monaural or CD player").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine the combination of Yang's television/cellular phone device with Broberg's VCR jack and a CD player jack in order simply too numerous and complex for technologically unsophisticated consumers to perform.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H Doan whose telephone number is 703-305-6311. The examiner can normally be reached on 9:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung A Nay can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phuoc Doan
06/18/04


NAY MAUNG

SUPERVISORY PATENT EXAMINER